

# SHAFFER GLAZER, LLP

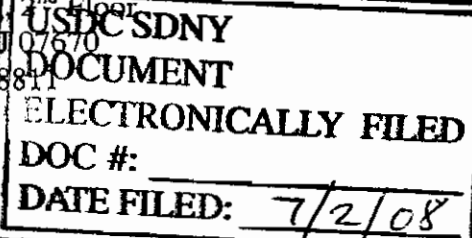
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June 24, 2008

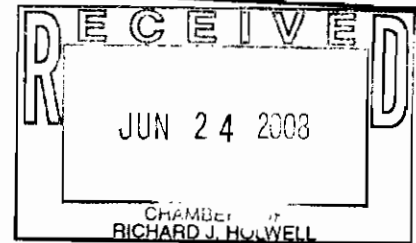
**Via fax (212) 805-7948**

Hon. Richard J. Holwell

United States District Court, Southern District of New York

500 Pearl Street, Room 1950

New York, New York 10007-1312



Attn: Hon. Richard J. Holwell

Re: Matthew Torres v. St. Peter's College and AlliedBarton Security Services, Inc.  
Our File No.: SPG-00133  
Our Clients: AlliedBarton Security Services, LLC i/s/h AlliedBarton Security Services, Inc.  
Index No.: 1:07-CV-09323-RJH  
Date of Loss: December 8, 2006

Dear Hon. Holwell:

It has come to my attention that the plaintiff has served a supplemental affirmation in opposition and sur-reply regarding the motion to transfer venue filed on behalf of AlliedBarton. It is our position that these papers are improper and should be excluded. It is our understanding that the plaintiff neither requested nor received permission to submit sur-reply papers. Cooper v. Cape May County Bd. of Social Services, 175 F. Supp.2d 732 (D.N.J. 2001); Ramirez v. US, 998 F.Supp. 425 (D.N.J. 1998); Slatky v. Healthfirst, Inc., 2003 WL 22705123 (S.D.N.Y. 2003).

None of the cases cited by the plaintiff were unavailable to the plaintiff at the time his initial opposition papers were submitted. Furthermore, the status of discovery is not relevant to the motion as transfer of the action would not delay or slow down discovery. Thus, there is no apparent reason why the plaintiff needed to serve a sur-reply and as such, it should be stricken. However, if the Court should decide to accept these papers, then we would request an opportunity to serve a second reply affirmation accordingly. We respectfully ask that the Court inform us quickly whether or not we should serve reply papers as this motion is on for oral argument on July 8, 2008.

Page 2 of 2  
June 24, 2008

Thank you for your prompt attention to this matter. If you have any questions or comments, please do not hesitate to contact the undersigned.

Very truly yours,

SHAFER GLAZER LLP

David A. Glazer

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